

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**ERNEST F. HEFFNER, HARRY C. NEEL, :  
BART H. CAVANAUGH, SR., JOHN KATORA, : No. 08-CV-0990  
BRIAN LEFFLER, REBECCA ANN WESSEL, :  
MARK PATRICK DOUGHERTY, CYNTHIA : (Judge Jones)  
LEE FINNEY, NATHAN RAY, TODD ECKERT, :  
BEN BLASCOVICH, MATTHEW MORRIS, :  
GREG ACHENBACH, KAREN EROH, :  
WILLIAM PUGH, WILLIAM SUCHARSKI, :  
JOHN MCGEE, AMBER M. SCOTT, ERIKA :  
HAAS, NICHOLAS WACHTER, DAVID :  
HALPATE, PATRICK CONNELL, EUGENE :  
CONNELL, MATTHEW CONNELL, JAMES J. :  
CONNELL, JR., JEFFERSON MEMORIAL :  
PARK, INC., JEFFERSON MEMORIAL :  
FUNERAL HOME, INC., WELLMAN :  
FUNERAL ASSOCIATES, INC., d/b/a FOREST : Electronically Filed  
PARK FUNERAL HOME, EAST HARRISBURG :  
CEMETARY COMPANY d/b/a EAST :  
HARRISBURG CEMETARY & CREMATORY, :  
ROBERT LOMISON, CRAIG SCHWALM, :  
GREGORY J. HAVRILLA, and BETTY FREY, :**

**Plaintiffs**

**v.**

**DONALD J. MURPHY, JOSEPH A. FLUEHR, :  
III, MICHAEL J. YEOSOCK, BENNETT :  
GOLDSTEIN, JAMES O. PINKERTON, :  
ANTHONY SCARANTINO, BASIL MERENDA, :  
MICHAEL GERDES, PETER MARKS and :  
C.A.L. SHIELDS :**

**Defendants**

**NOTICE OF APPEAL**

Notice is hereby given that defendants Donald J. Murphy, Joseph A. Fluehr, Michael J. Yeosock, Bennett Goldstein, James O. Pinkerton, Anthony Scarantino, Basil Merenda, Michael Gerdes, Peter Marks and C.A.L Shields hereby appeal to the United States Court of Appeals for the Third Circuit Court from the order entered in this action on August 22, 2012, (*Docket Entry 202*) insofar as it grants injunctive relief.

**Respectfully submitted,**

**LINDA L. KELLY  
Attorney General**

**By: s/Maryanne M. Lewis**

**MARYANNE M. LEWIS  
Senior Deputy Attorney General  
Attorney ID #83812**

**Office of Attorney General  
15<sup>th</sup> Floor, Strawberry Square  
Harrisburg, PA 17120  
Phone: (717) 787-9719- Direct  
Fax: (717) 772-4526  
[mlewis@attorneygeneral.gov](mailto:mlewis@attorneygeneral.gov)**

**GREGORY R. NEUHAUSER  
Chief Deputy Attorney General  
Chief, Civil Litigation Section**

**Date: September 10, 2012**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**ERNEST F. HEFFNER, et al.,** :  
 :  
 **Plaintiffs** : **No. 08-CV-0990**  
 :  
 :  
 **v.** : **(Judge Jones)**  
 :  
 :  
 **DONALD J. MURPHY, et al.,** : **Electronically Filed**  
 :  
 **Defendants** :

**CERTIFICATE OF SERVICE**

I, Maryanne M. Lewis, Senior Deputy Attorney General for the Commonwealth of Pennsylvania, Office of Attorney General, hereby certify that on September 10, 2012, I caused to be served a true and correct copy of the foregoing document titled Notice of Appeal.

**VIA ECF:**

James J. Kutz, Esquire  
Barbara A. Zemlock Esquire  
Post & Schell, P.C.  
17 North Second Street, 12<sup>th</sup> Floor  
Harrisburg, PA 17101-1601  
*(Counsel to Plaintiffs)*

Christopher K. McNally, Asst. Counsel  
Office of Chief Counsel  
Dept. of State, BPOA  
2602 N. Third Street  
Harrisburg, PA 17110-2695  
*(Counsel to Defendants)*

Gary L. James, Esquire  
136 Sipe Avenue  
Hummelstown, PA 17036  
*(Counsel to Plaintiffs)*

Kathleen K. Ryan, Esquire  
General Counsel  
PA Funeral Directors Association  
7441 Allentown Blvd.  
Harrisburg, PA 17112-9982  
[kathy@pfda.org](mailto:kathy@pfda.org)  
*(Counsel for PA Funeral Directors Assoc.)*

Walter W. Cohen, Esquire  
Obermayer  
Suite 400  
200 Locust Street  
Harrisburg, PA 17101

Robert B. Hoffman, Esquire  
Eckert, Seamans, Cherin & Mellott  
213 Market Street  
Harrisburg, PA 17101  
*(Counsel for PA Funeral Directors Assoc.)*

By: s/Maryanne M. Lewis  
**MARYANNE M. LEWIS**  
**Senior Deputy Attorney General**  
**Attorney I.D. #83812**



based thereon, to the extent it permits warrantless inspection of funeral establishments.

2. As to Count II of the Amended Complaint, judgment is entered in favor of Plaintiffs and against Defendants to the extent that:
  - a. The FDL, 63 P.S. § 479.1, *et seq*, is declared unconstitutional on its face to the extent it limits the number of funeral establishments in which a funeral director may possess an ownership interest;
  - b. The FDL, 63 P.S. § 479.1, *et seq*, is declared unconstitutional as applied to Plaintiffs to the extent it limits the number of funeral establishments in which a funeral director may possess an ownership interest; and
  - c. Defendants are **ENJOINED**, in their official capacities, from enforcing the FDL, 63 P.S. § 479.1, *et seq*, and regulations and policies based thereon, insofar as they limit the number of funeral establishments in which a funeral director may possess an ownership interest.

3. As to Count III and Count IV of the Amended Complaint, judgment is entered in favor of Plaintiffs and against Defendants to the extent that:
  - a. The FDL, 63 P.S. § 479.1, *et seq*, is declared unconstitutional on its face insofar as it prohibits individuals and entities who are not a licensed funeral director from owning or otherwise possessing an interest in a funeral establishment;
  - b. The FDL, 63 P.S. § 479.1, *et seq*, is declared unconstitutional as applied to Plaintiffs to the extent it prohibits individuals and entities who are not a licensed funeral director from owning or otherwise possessing an interest in a funeral establishment; and
  - c. Defendants are **ENJOINED**, in their official capacities, from enforcing the FDL, 63 P.S. § 479.1, *et seq*, and regulations and policies based thereon, to the extent they prohibit individuals and entities who are not a licensed funeral director from owning or otherwise possessing an interest in a funeral establishment.
  
4. As to Count V of the Amended Complaint, judgment is entered in favor of Plaintiffs and against Defendants to the extent that:

- a. The FDL, 63 P.S. § 479.1, *et seq*, is declared unconstitutional on its face to the extent it restricts the number of funeral establishments at which a funeral director may engage in the profession of funeral directing;
  - b. The FDL, 63 P.S. § 479.1, *et seq*, is declared unconstitutional as applied to Plaintiffs to the extent it restricts the number of funeral establishments at which a funeral director may engage in the profession of funeral directing;
  - c. Defendants are **ENJOINED**, in their official capacities, from enforcing the FDL, 63 P.S. § 479.1, *et seq*, and regulations and policies originating therefrom, to the extent they restrict the number of funeral establishments at which a funeral director may engage in the profession of funeral directing.
5. As to Count VI of the Amended Complaint, judgment is entered in favor of Plaintiffs and against Defendants to the extent that:
- a. The FDL, 63 P.S. § 479.1, *et seq*, is declared unconstitutional on its face insofar as it restricts the number of funeral establishments at which a funeral director may serve as a supervisor;

- b. The FDL, 63 P.S. § 479.1, *et seq*, is declared unconstitutional as applied to Plaintiffs to the extent it restricts the number of funeral establishments at which a funeral director may serve as a supervisor; and
    - c. Defendants are **ENJOINED**, in their official capacities, from enforcing the FDL, 63 P.S. § 479.1, *et seq*, and regulations and policies based thereon, to the extent they restrict the number of funeral establishments at which a funeral director may serve as a supervisor.
  6. As to Count VII of the Amended Complaint, judgment is entered in favor of Plaintiffs and against Defendants to the extent that:
    - a. 63 P.S. § 479.7 is declared unconstitutional on its face to the extent it requires every funeral establishment to include a preparation room;
    - b. 63 P.S. § 479.7 is declared unconstitutional as applied to Plaintiffs to the extent it requires every funeral establishment to include a preparation room; and
    - c. Defendants are **ENJOINED**, in their official capacities, from enforcing 63 P.S. § 479.7, and regulations and policies

originating therefrom, to the extent they require every funeral establishment to include a preparation room.

7. As to Count VIII of the Amended Complaint, judgment is entered in favor of Plaintiffs and against Defendants to the extent that:
  - a. 63 P.S. § 479.7 is declared unconstitutional on its face to the extent it prohibits service of food in a funeral establishment;
  - b. 63 P.S. § 479.7 is declared unconstitutional as applied to Plaintiffs to the extent it prohibits service of food in a funeral establishment; and
  - c. Defendants are **ENJOINED**, in their official capacities, from enforcing 63 P.S. § 479.7, and regulations and policies based upon the same, to the extent they prohibit service of food in a funeral establishment.
  
8. As to Count IX of the Amended Complaint, judgment is entered in favor of Plaintiffs and against Defendants to the extent that:
  - a. The FDL, 63 P.S. § 479.1, *et seq.*, is declared unconstitutional on its face to the extent it prohibits a funeral director or funeral establishment from using any lawful and non-misleading name;

- b. The FDL, 63 P.S. § 479.1, *et seq*, is declared unconstitutional as applied to Plaintiffs to the extent it prohibits a funeral director or funeral establishment from using any lawful and non-misleading name; and
  - c. Defendants are **ENJOINED**, in their official capacities, from enforcing the FDL, 63 P.S. § 479.1, *et seq*, and regulations and policies based thereon, to the extent they prohibit a funeral director or funeral establishment from using any lawful and non-misleading name.
9. As to Count XI of the Amended Complaint, judgment is entered in favor of Defendants and against Plaintiffs.
10. As to Count XII of the Amended Complaint, judgment is entered in favor of Plaintiffs and against Defendants to the extent that:
  - a. The FDL, 63 P.S. § 479.1, *et seq*, is declared unconstitutional on its face insofar as it prohibits a funeral director or funeral establishment from possessing an ownership interest in an entity which operates and trusts pursuant to 63 P.S. § 480.1, *et seq*;

- b. The FDL, 63 P.S. § 479.1, *et seq*, is declared unconstitutional as applied to Plaintiffs to the extent it prohibits a funeral director or funeral establishment from possessing an ownership interest in an entity which operates and trusts pursuant to 63 P.S. § 480.1, *et seq*; and
  - c. Defendants are **ENJOINED**, in their official capacities, from enforcing the FDL, 63 P.S. § 479.1, *et seq*, and regulations and policies originating therefrom, to the extent they prohibit a funeral director or funeral establishment from possessing an ownership interest in an entity which operates and trusts pursuant to 63 P.S. § 480.1, *et seq*.
  - d. Judgment is also entered in favor of Plaintiffs Bart H. Cavanagh and against Defendants in their individual capacities as to liability only.
11. As to Count XIII of the Amended Complaint, judgment is entered in favor of Plaintiffs and against Defendants to the extent that:
- a. The FDL, 63 P.S. § 479.1, *et seq*, is declared unconstitutional on its face insofar as it prohibits a funeral director or funeral establishment from paying a commission or other gratuity to an

employee or agent for soliciting or securing business or for business secured;

- b. The FDL, 63 P.S. § 479.1, *et seq*, is declared unconstitutional as applied to Plaintiffs to the extent it prohibits a funeral director or funeral establishment from paying a commission or other gratuity to an employee or agent for soliciting or securing business or for business secured; and
- c. Defendants are **ENJOINED**, in their official capacities, from enforcing the FDL, 63 P.S. § 479.1, *et seq*, and regulations and policies based thereon, to the extent they prohibit a funeral director or funeral establishment from paying a commission or other gratuity to an employee or agent for soliciting or securing business or for business secured.

12. The Clerk of Court is instructed to **CLOSE** the file on this case.

13. The Clerk of Court is further instructed to **MAIL** copies of this memorandum and order to the following individuals:

- a. James D. Schultz, General Counsel of the Commonwealth of Pennsylvania. Governor's Office of General Counsel, 333 Market Street, 17<sup>th</sup> Floor, Harrisburg, Pa. 17101.

- b. Honorable Dominic Pileggi, Senate Majority Leader, 350 Main Capitol Building, Harrisburg, Pa 17120.
- c. Honorable Samuel Smith, Speaker of the House, 139 Main Capitol Building, PO BOX 202066, Harrisburg, Pa 17120.

s/ John E. Jones III  
John E. Jones III  
United States District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ERNEST F. HEFFNER, et. al,	:	No. 08-cv-990
	:	
Plaintiffs,	:	
	:	
v.	:	Hon. John E. Jones III
	:	
DONALD J. MURPHY, et. al,	:	
	:	
Defendants.	:	

**MEMORANDUM**

**August 22, 2012**

**I. Procedural History and Factual Background**

On May 8, 2012, the Court issued a memorandum and order ruling on the parties' cross motions for summary judgment. (Doc. 182). Through that order, we granted summary judgment in Plaintiffs' favor on eleven (11) out of twelve (12) counts in Plaintiffs' amended complaint. (*Id.* at 155-158). However, we also stayed the effect of our mandate therein for a period of ninety (90) days to allow the parties to reexamine and possibly revise portions of the FDL that we found violated the United States Constitution. (*Id.*).

Thereafter, on June 29, 2012, Defendants filed a Motion to Amend Order of May 8, 2012, (doc. 189), requesting that the Court amend its prior order so that the same could be immediately appealed to the Third Circuit Court of Appeals. On July 12, 2012, the Court issued an order denying Defendants' motion to amend our

May 8, 2012 order. (Doc. 195). On August 8, 2012, the Court conducted an informal status conference with counsel for the parties to determine whether Defendants had attempted to rectify any of the deficiencies identified in our May 8 order. Following the conference call, the Court ordered that the parties each submit a brief outlining their respective positions concerning injunctive relief. (Doc. 197). After reviewing the parties' submissions, the Court is now prepared to finalize our May 8, 2012 summary judgment ruling. Therefore, we shall proceed to analyze whether Plaintiffs are entitled to a permanent injunction.

## II. Discussion

As the Supreme Court noted in *eBay Incorporated v. MercExchange*, a plaintiff seeking a permanent injunction must satisfy a four-factor test before obtaining such relief, including: “(1) that it has suffered an irreparable injury; (2) that remedies available at law, such as monetary damages, are inadequate to compensate for that injury; (3) that, considering the balance of hardships between the plaintiff and defendant, a remedy in equity is warranted; and (4) that the public interest would not be disserved by a permanent injunction.” 547 U.S. 388, 391 (2006).

Here, concerning the first element, implicit in our previous finding is that Plaintiffs have suffered an irreparable injury, as also demonstrated by the

numerous provisions of the FDL that the Court declared unconstitutional in our May 8, 2012 order. As to the second element, there are no remedies at law, such as monetary damages, that are adequate to compensation Plaintiffs for the injuries suffered as a result of the unconstitutional provisions of the FDL.

Regarding the third element, the balance of the hardships between the parties, the Court finds Defendants' assertions that enjoining them from enforcing the FDL will essentially yield a completely unregulated death-care industry to wildly overstate the parameters of our ruling. While it is clear that Defendants will have to propose amendments to the FDL to rectify those provisions struck down by our May 8, 2012 ruling, the order that follows does not open wide the doors to the unlicensed practice of funeral directing as Defendants appear to contend it does. As Plaintiffs highlight in their brief, Defendants are perpetuating a wholly disingenuous type of hysteria in suggesting that they will experience an extreme hardship simply because funeral directors will hereafter be permitted: (1) to admit inspectors only when inspections are limited in time, place, and scope, which the Board claims is already its practice; (2) to share a supervisor with another location, which the Board has already conceded through legislative initiative is permissible; (3) to cease the establishment and maintenance of a separate preparation room at each funeral home, which the Board's legislative

initiative acknowledged was already a widespread practice; (4) to serve food, as permitted under the Board's allegedly proposed regulations; (5) to operate under a trade, which essentially occurs when a funeral home operates under a predecessor name; (6) to operate a separate merchandise company, which some Board members conceded was already lawful; or (7) to pay unlicensed employees without fear of prosecution.

In addition, our order in no way sanctioned the unlicensed practice of funeral directing by untrained individuals, but rather held that the Board's ownership restrictions on non-licensees' *ownership* of a funeral home was a violation of the Commerce Clause, (doc. 182 at 51-57), and substantive due process, (*id.* at 57-73), given the Board's issuance of licenses to non-licensees, such as widows of Pennsylvania funeral directors, estates of Pennsylvania funeral directors, spouses of Pennsylvania funeral directors, children of Pennsylvania funeral directors, grandchildren of Pennsylvania funeral directors, trusts established for the spouses, children, and grandchildren of Pennsylvania funeral directors, trusts established for the spouses, children, and grandchildren of Pennsylvania funeral directors, purchasers of pre-1935 corporations, and those

who purchase all the assets of a funeral home and employ a Pennsylvania funeral director to act as the “owner” of the stock of a corporation. (*Id.* at 51-73).<sup>1</sup>

Finally, as to the public interest, we find that enjoining Defendants from enforcing the constitutionally infirm provisions of the FDL will serve to benefit consumers through the potential savings achieved by a more efficient and cost-conscious delivery of death-care services. Throughout the hundreds upon hundreds of pages submitted by Defendants in support of the clearly archaic FDL, they have failed to highlight even one piece of evidence demonstrating how the public interest would be adversely affected by a ruling that declines to uphold the protectionist regime and status quo perpetuated by the FDL concerning funeral regulation in Pennsylvania.

### **III. Conclusion**

As lamented numerous times by the Court throughout this case, we find much of Defendants’ conduct to constitute the very epitome of bad faith and most recently an almost cavalier disregard for our May 8, 2012 ruling, as demonstrated by their failure to at least begin formulating legislative initiatives amending or replacing a Truman-era law that could be submitted to the General Assembly when

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<sup>1</sup> We again regret the extreme and hyperbolic reaction to our mandate, which was cast in certain quarters as a veritable return to the Dark Ages. We strongly suspect that Defendants know better.

they return to session in the fall. (*See* Pl. R. at 3153-3157, 3236-3246). While the Court is clearly acquainted with the process by which legislation is passed and regulations are amended, and though we recognize that our ruling was entered toward the end of the previous legislative session, it appears that the Board was more content to sit on their hands than to earnestly tackle the constitutional deficiencies explicitly identified in our order.<sup>2</sup>

Our ruling on May 8, 2012 was the culmination of a massive, systemic failure to promote appropriate public policy by the Board. That the Board would cling to a law that is so outdated and patently unconstitutional in so many ways is as embarrassing as it is unconscionable. Frankly, the members of the Board should be ashamed of themselves.<sup>3</sup> The FDL begs for a legislative overhaul and the persistent recalcitrance of the Board to act while instead choosing to litigate every single issue in this case, at substantial cost in Commonwealth funds, has only served to further deplete the Commonwealth's scarce resources. *See Pub.*

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<sup>2</sup> We note that counsel for Defendants informally advised the Court during our August 8, 2012 status conference that the Board had started crafting an administrative policy responding to the Court's finding that the unannounced and warrantless inspections of funeral homes violated the Fourth Amendment as set forth in Court I of Plaintiffs' amended complaint. (*See* Doc. 101). While we appreciate the Board's efforts to remedy this aspect of the FDL, it is unclear why the Board was unable to at least begin a similar process, or one involving the drafting of legislative initiatives, concerning the remaining counts we found violative of the Constitution.

<sup>3</sup> Candidly, and while this issue was not raised by Plaintiffs, we find the Board's conduct so disturbing that surcharging its members could have been appropriate in lieu of allowing them to burn up taxpayer dollars in their folly.

*Citizen Health Research Grp. v. Brock*, 823 F.2d 626, 627 (D.C. Cir. 1987) (“But we also understand, because we have seen it happen time and time again, that action Congress has ordered for the protection of the public health all too easily becomes hostage to bureaucratic recalcitrance, factional infighting, and special interest politics. At some point, we must lean forward from the bench to let an agency know, in no uncertain terms, that enough is enough.”). That time has arrived, and an appropriate order shall issue as we place a capstone, and perhaps with it a judicial exclamation point, on this lengthy and difficult matter.

ERNEST F. HEFFNER; HARRY C. NEEL; BART H. CAVANAGH, SR.;  
JOHN KATORA; BRIAN LEFFLER; REBECCA ANN WESSEL;  
MARK PATRICK DOUGHERTY; CYNTHIA LEE FINNEY;  
NATHAN RAY; TODD ECKERT; BEN BLASCOVICH;  
MATTHEW MORRIS; WILLIAM SUCHARSKI;  
JOHN MCGEE; AMBER M. SCOTT;  
ERIKA HAAS; NICOLAS WACHTER;  
DAVID HALPATE; PATRICK CONNELL;  
EUGENE CONNELL; MATTHEW CONNELL;  
JAMES J. CONNELL, JR; JEFFERSON MEMEORIAL PARK, Inc.;  
JEFFERSON MEMEMORIAL FUNERAL HOME, Inc.;  
WELLMAN FUNERAL ASSOCIATES inc., doing business as Forest  
Park Funeral Home;  
EAST HARRISBURG CEMETERY & CREMATORY,  
doing business as Esat Harrisburg Cemetery & Crematory;  
ROBERT LOMISON; CRAIG SCHWALM; GREGORY J. HARVILLA; BETTY FREY;

v.

DONALD J. MURPHY; JOSEPH A. FLUEHR, III; MICHAEL J. YEOSOCK;  
BENNETT GOLDSTEIN; JAMES O. PINKERTON; ANTHONY SCARANTINO;  
BASIL MERENDA; MICHAEL GERDES; PETER MARKS;  
C.A.L. SHIELDS,

Appellants

**STANDING ORDER REGARDING MOTIONS TO EXCEED THE PAGE LIMITATIONS OF THE FEDERAL RULES OF APPELLATE PROCEDURE**

**Effective Immediately**

**PRESENT:** McKEE, **Chief Judge**, and SLOVITER, SCIRICA, RENDELL, AMBRO, FUENTES, SMITH, FISHER, CHAGARES, JORDAN, HARDIMAN, GREENAWAY, JR, VANASKIE, ALDISERT, WEIS, GARTH, STAPLETON, GREENBERG, COWEN, NYGAARD, ROTH, BARRY, and VAN ANTWERPEN, **Circuit Judges**

**AND NOW**, it being noted that motions to exceed the page/word limitations for briefs are filed in approximately twenty-five percent of cases on appeal, and that seventy-one percent of those motions seek to exceed the page/word limitations by more than twenty percent;

Notice is hereby given that motions to exceed the page or word limitations for briefs are strongly disfavored and will be granted only upon demonstration of extraordinary circumstances. Such circumstances may include multi-appellant consolidated appeals in which the appellee seeks to file a single responsive brief or complex/consolidated proceedings in which the parties are seeking to file jointly or the subject matter clearly requires expansion of the page or word limitations.

Accordingly, it is **ORDERED** that a three-judge Standing Motions Panel is hereby appointed to rule on all motions to exceed the page/word limitations for briefs since the page/word limitations, prescribed by Fed. R. App. P. 32(a)(7), should be sufficient to address all issues in an appeal.

It is further **ORDERED** that Counsel are advised to seek advance approval of requests to exceed the page/word limitations whenever possible or run the risk of rewriting and refile a compliant brief. Any request to exceed page/word limitations submitted in the absence of such an advance request shall include an explanation of why counsel could not have foreseen any difficulty in complying with the limitations in time to seek advance approval from the panel.

This order shall not apply to capital habeas cases.



By the Court,

/s/ Theodore A. McKee  
Chief Judge

Date: January 9, 2012

*Marcia M. Waldron*

Marcia M. Waldron, Clerk

OFFICE OF THE CLERK

MARCIA M. WALDRON

CLERK



UNITED STATES COURT OF APPEALS

21400 UNITED STATES COURTHOUSE  
601 MARKET STREET  
PHILADELPHIA, PA 19106-1790

Website: [www.ca3.uscourts.gov](http://www.ca3.uscourts.gov)

TELEPHONE

215-597-2995

September 21, 2012

Maryanne M. Lewis  
Office of Attorney General of Pennsylvania  
Strawberry Square  
15th Floor  
15th Floor  
Harrisburg, PA 17120-0000

Gregory R. Neuhauser  
Office of Attorney General of Pennsylvania  
Strawberry Square  
15th Floor  
15th Floor  
Harrisburg, PA 17120-0000

RE: In re: Heffner, et al v. Murphy, et al  
Case Number: 12-3591  
District Case Number: 4-08-cv-00990

**Effective December 15, 2008, the Court implemented the Electronic Case Files System. Accordingly, attorneys are required to file all documents electronically. See 3d Cir. L.A.R. 113 (2008) and the Court's CM/ECF website at [www.ca3.uscourts.gov/ecfwebsite](http://www.ca3.uscourts.gov/ecfwebsite).**

To All Parties:

Enclosed is case opening information regarding the above-captioned appeal filed by **Donald J. Murphy**, docketed at No. **12-3591**. All inquiries should be directed to your Case Manager in writing or by calling the Clerk's Office at 215-597-2995. This Court's rules, forms, and case information are available on our website at <http://www.ca3.uscourts.gov>.

**On December 1, 2009, the Federal Rules of Appellate and Civil Procedure were amended modifying deadlines and calculation of time. In particular those motions which will toll the time for filing a notice of appeal under Fed.R.App.P. 4(a)(4), other than a motion for attorney's fees under Fed.R.Civ.P. 54, will be considered timely if filed no later than 28 days after the entry of judgment. Should a party file one of the motions listed in Fed.R.App.P 4(a)(4) after a notice of appeal has been filed, that party must immediately inform the Clerk of the Court of Appeals in writing of the date and type of motion that was filed. The case in the court of appeals will not be stayed absent such notification.**

**Counsel for Appellant**

As counsel for Appellant(s), you must file:

1. Application for Admission (if applicable)
2. Appearance Form
3. Civil Information Statement
4. Disclosure Statement (except governmental entities)
5. Concise Summary of the Case
6. Transcript Purchase Order Form.

These forms must be filed within **fourteen (14) days** of the date of this letter.

**Failure of Appellant(s) to comply with any of these requirements by the deadline will result in the DISMISSAL of the case without further notice. 3rd Circuit LAR Misc. 107.2.**

**Counsel for Appellee**

As counsel for Appellee(s), you must file:

1. Application for Admission (if applicable)
2. Appearance Form
3. Disclosure Statement (except governmental entities)

These forms must be filed within **fourteen (14) days** of the date of this letter.

Parties who do not intend to participate in the appeal must notify the Court in writing. This notice must be served on all parties.

Attached is a copy of the full caption in this matter as it is titled in the district court. Please review the caption carefully and promptly advise this office in writing of any discrepancies.

For the Court,

*Marcia M. Waldron*

Marcia M. Waldron, Clerk

/s/ pdb Case Manager

cc:

James J. Kutz

Barbara A. Zemlock

Joseph A. Curcillo, III (For your information Only)